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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 97-88
Table of Allotments,) RM-9031
FM Broadcast Stations.)
(Centennial, Wyoming))

NOTICE OF PROPOSED RULE MAKING

Adopted: February 26, 1997;

Released: March 7, 1997

Comment Date: April 28, 1997

Reply Comment Date: May 13, 1997

By the Chief, Allocations Branch:

1. The Commission has before it the petition for rule making filed by Red Rock Broadcasting ("petitioner"), proposing the allotment of Channel 224A at Centennial, Wyoming, as the community's first local aural transmission service.¹ Petitioner states its intention to apply for the channel, if allotted.

2. In support of its proposal, petitioner states that Centennial is an unincorporated community with a population of approximately 166 persons.² It has its own post office and zip code. Petitioner further states that Centennial has a volunteer fire department, elementary school, grocery store, gift shop, and a small, seasonal museum. Centennial has a thriving winter and summer tourist industry, due in large part to its location at the base of the Snowy Range Ski and Recreational Area, which provides year-round activities that include downhill and cross-country skiing, snowmobiling, camping, fishing, hiking, and hunting. Centennial also supports several bed and breakfast establishments, a lodge, and a popular local restaurant.

¹Petitioner's request that the instant petition also be considered as comments in MM Docket No. 96-255, RM 8960, is premature since no allotment for Channel 224A at Laramie, Wyoming, has been proposed, albeit the Notice indicated that alternate Channel 224A was available at Laramie in the event there were additional expressions of interest for a Class A channel. See Laramie, Wyoming, 11 FCC Rcd ____ (released December 20, 1996); 61 FR 67765, December 24, 1996.

²We note that Centennial is listed in the 1995 Rand McNally Commercial Atlas and attributed with a population of 100 persons.

3. We believe the proposal warrants consideration since the proposed allotment of Channel 224A at Centennial, Wyoming, could provide the community with its first local aural transmission service. An engineering analysis has determined that Channel 224A can be allotted at Centennial in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.9 kilometers (7.4 miles) east to avoid a short-spacing to the licensed site of Station KIQZ(FM), Channel 224A, Rawlins, Wyoming.³

4. Accordingly, we seek comments on the proposed amendment of the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, for the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Centennial, Wyoming	-----	224A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. In particular, we note that a showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

6. Interested parties may file comments on or before April 28, 1997, and reply comments on or before May 13, 1997, and are advised to read the Appendix for the proper procedures. Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554. Additionally, a copy of such comments should be served on the petitioner, or its counsel or consultant, as follows:

Pamela C. Cooper
Roberts & Eckard, P.C.
1150 Connecticut Ave., NW.
Suite 1100
Washington, DC 20036
(Counsel for Petitioner)

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of

³The coordinates for Channel 224A at Centennial are North Latitude 41-19-03 and West Longitude 105-59-55.

Allotments, Section 73.202(b) of the Commission's Rules. See Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, February 9, 1981.

8. For further information concerning this proceeding, contact Sharon P. McDonald, Mass Media Bureau, (202) 418-2180. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the Commission or review by any court. An ex parte presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or a summary of any new oral information shall be served by the person making the presentation upon the other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

Attachment: Appendix

APPENDIX

MM Docket No. 97-88

RM-9031

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Allotments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off protection. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules).

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the

person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.) Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554.

5. Number of Copies. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Reference Center (Room 239) at its headquarters, 1919 M Street, N.W., Washington, D.C.